

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROZINA KIMANI MUTHOKA,)	
)	
Plaintiff,)	No. 4:23-cv-01460-HEA
)	
v.)	
)	
STATE OF MISSOURI, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on self-represented plaintiff Rozina Kimani Muthoka’s “notice of leave to proceed pursuant to 28 U.S.C. § 1915(a) and in forma pauperis,” which the Court construes as an application to proceed in the district court without prepaying fees and costs. Based on the information contained in the motion, the motion will be granted. Furthermore, on initial review pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court will dismiss plaintiff’s complaint without prejudice as frivolous.

Legal Standard on Initial Review

Under 28 U.S.C. § 1915(e), a Court must *sua sponte* dismiss an indigent plaintiff’s complaint or any portion thereof which (1) is frivolous or malicious; (2) fails to state a claim upon which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief. A complaint is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Dismissals on this ground should only be ordered when legal theories are “indisputably meritless,” or when the claims rely on factual allegations that are “clearly baseless.” *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). “Clearly baseless” factual

allegations include those that are “fanciful,” “fantastic,” and “delusional.” *Id.* at 32-33 (quoting *Neitzke*, 490 U.S. at 325, 327).

The Complaint

Plaintiff is currently incarcerated at the St. Louis County Justice Center. She files a twenty-two page complaint titled “(Removal) Civil Rights (1964).” The entire document is a disjointed, stream of consciousness narration that forms no legal theory and seeks no appropriate relief. Subjects of the narrative include the Admiralty Extinction Act, plaintiff being a bounty of war captured for a war debt, sovereign immunity, autonomous state, the Territory of Insula, Island Commonwealth Soil, “*res accessoria sequitur rem principalem*,” the Alien Enemies Act, kidnapping, and forced servitude. Also, plaintiff includes many Latin phrases that cannot be interpreted. The Court cannot determine what relief plaintiff seeks.

Discussion

Based on the complaint, the Court finds plaintiff’s claims lack an arguable basis in either law or fact, and are frivolous. Any legal theories are indisputably meritless and the factual allegations are “fanciful,” “fantastic,” and “delusional.” *See Denton* at 32-33 (quoting *Neitzke*, 490 U.S. at 325, 327). Thus, the Court finds that plaintiff’s complaint is frivolous and fails to state viable legal claims.

Accordingly,

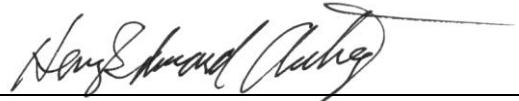
IT IS HEREBY ORDERED that plaintiff’s applications to proceed in the district court without prepayment of fees and costs are **GRANTED**. [ECF Nos. 2 and 8]

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint as the complaint is legally frivolous.

IT IS FURTHER ORDERED that any pending motions are **DENIED** without prejudice as moot. [ECF No. 10]

A separate Order of Dismissal shall accompany this Opinion, Memorandum and Order.

Dated this 13th day of March, 2024.

A handwritten signature in black ink, reading "Henry Edward Autrey", is positioned above a horizontal line. The signature is written in a cursive, flowing style.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE